

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of Implementation of)	
Section 255 of the Telecommunications)	WT Docket No. 96-198
Act of 1996)	

REPLY COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

The Alliance for Public Technology (“APT”) is a non-profit consumer advocacy organization, whose members include almost 300 grassroots organizations and individuals seeking to foster public high-capacity infrastructure to every home in the nation. For more than ten years, APT has worked to facilitate advanced universal service. Its goal is

[t]o make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability, high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.¹

From its inception, APT has recognized that advanced communications and information technologies are important tools that can help to improve the quality of life and labor for everyone. Interactive advanced technologies that can facilitate full participation in our society and help individuals achieve personal goals hold especially potent potential for people with disabilities. Access to advanced technologies, for example, can enhance education, as well as job training and placement, improve health

¹ “Connecting Each to All: Principles to Implement the Goal of Advanced Universal Service,” Alliance for Public Technology, 1995 at 2.

care delivery through "telemedicine," and expand independent living and employment options for people with disabilities.² In a recent speech, Chairman Kennard noted that

if we do things right, the burgeoning world of telecommunications should make it easier for those with disabilities to have meaningful, well-paid jobs. More and more, people will not have to hop in a car and drive twenty miles to the office. They'll be able to work at home. More and more, the jobs in the 21st Century will belong not to those who use their brawn but their brain.³

Accordingly, APT submits these reply comments to encourage the Commission to "do things right" by adopting a broader definition of the range of services subject to the accessibility requirements of Section 255 of the Telecommunications Act of 1996.⁴ Consistent with the Commission's mandate under Section 706 of the Act to "encourage deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,"⁵ APT urges the FCC to adopt a flexible definition of "telecommunications services" that will accommodate rapid changes in technology to ensure that people with disabilities gain access to the advanced products and services that Congress intended for everyone. As the American Foundation for the Blind noted

in order to ensure accessibility for the future, Section 255 must be interpreted in a way that anticipates change and that ensures that equipment and services designed for the networks of the future are fully accessible – even if some of the equipment features or services might be considered "information services" when viewed in light of the way the service is offered today. E-mail provides an interesting example. In its Report to Congress on Universal Service, the FCC suggested that e-mail was an information service [and therefore excluded from Section 255's coverage] in part because it was not sold on a stand-alone basis, but instead was typically provided as part of Internet service. However, several cellular phone providers are now bundling text messaging as part of a telecommunications

² See Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement Section 706 of the Telecommunications Act of 1996, February 18, 1998 at 4-5, 37.

³ Remarks of William E. Kennard, Chairman of the Federal Communications Commission, at the American Foundation for the Blind and the American Council of the Blind 1998 Josephine L. Taylor Leadership Institute, March 8, 1998, <http://www/fcc/gov/Speeches/Kennard/spwek807.html> (downloaded August 13, 1998) at 5.

⁴ 47 USC Sec. 255

⁵ Codified at 47 USC Sec. 157 note.

service, and are developing CPE that includes a bundled e-mail type service(footnote omitted).⁶

In his statement announcing the Commission's actions to promote the deployment of advanced telecommunications services by all providers, Chairman Kennard stated

[e]xpanding bandwidth now helps us remain connected as a nation. There are currently 75 million e-mail users in the U.S. sending 255 billion messages each year. In three years the estimates are that there will be 135 million e-mail users sending 500 billion messages....And dependable and fast online service will transform the lives of the many Americans living with disabilities, for whom getting an education or pursuing a career can be difficult because of physical barriers that many of us overlook.⁷

Congress' enactment of Sections 255 demonstrates its intention that individuals with disabilities have the ability to "remain connected" and to use the new advanced networks that it promises everyone in Section 706. Surely, legislators could not have meant to exclude people with disabilities from access to e-mail and other increasingly rapid, efficient forms of communication. Recognizing that "[n]ow is the time to help tear down those barriers and give Americans with disabilities the opportunity they deserve to maximize their productivity and their enjoyment of life,"⁸ the Commission must heed the calls for an expanded definition of "telecommunications services," advocated by the American Foundation of the Blind, the National Association of the Deaf, United Cerebral Palsy Associations, Self Help for the Hard of Hearing, and the Universal Service Alliance, among others.

⁶ Comments of the American Foundation for the Blind, WT-Docket No 96-198, dated June 30, 1998 (AFB Comments) at 7.

⁷ Press statement of Chairman Kennard on FCC's Actions to Promote Deployment of Advanced Telecommunications Services by All Providers, August 6, 1998, <http://www.fcc.gov/Speeches/Kennard/Statements/stwek860.html> (downloaded August 6, 1998) at 1.

⁸ Id.

APT strongly supports these commenter's expansive view of section 255 and implores the Commission to adopt a forward-looking holistic approach to implementing the 1996 Act's accessibility, broadband deployment, and universal service provisions. Unless the Commission "do[es] things right" to equalize access to information technology for people with disabilities, it will reverse the progress towards ending their isolation by consigning them to a class of technologically disadvantaged Americans in the growing communications caste system.

Respectfully submitted,

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